

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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FIFTEENTH LEGISLATIVE DAY  
MONDAY, JANUARY 23, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator McKague and Senator McKenzie, absent and formally excused by the Chair; and Senators Andreason, Cameron, Hammond, Keough, and McGee, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Alexander Wright, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 20, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 23, 2012

The JUDICIARY AND RULES Committee reports that [S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), [S 1238](#), [S 1239](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), [S 1244](#), [S 1245](#), [S 1246](#), [S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), [S 1252](#), and [SR 103](#) have been correctly printed.

DARRINGTON, Chairman

[S 1234](#) and [S 1237](#) were referred to the Education Committee.

[S 1235](#), [S 1238](#), [S 1242](#), [S 1244](#), [S 1245](#), [S 1246](#), [S 1247](#), and [S 1250](#) were referred to the State Affairs Committee.

[S 1236](#) was referred to the Agricultural Affairs Committee.

[S 1239](#) was referred to the Resources and Environment Committee.

[S 1240](#) was referred to the Commerce and Human Resources Committee.

[S 1241](#) was referred to the Health and Welfare Committee.

[S 1243](#), [S 1251](#), and [S 1252](#) were referred to the Transportation Committee.

[S 1248](#) and [S 1249](#) were referred to the Local Government and Taxation Committee.

[SR 103](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 19, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Patrick Malloy of Meridian, Idaho, to be Acting State Senator for Legislative District 20, Ada, State of Idaho.

This appointment is effective January 23, 2012, and will continue until such time as Senator Shirley McKague is able to resume her duties.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

### THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Shirley McKague, State Senator, District 20, Ada, State of Idaho, has nominated Patrick Malloy of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 20, Ada.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Patrick Malloy to the office of State Senator, District 20, Ada, State of Idaho, for a term commencing on January 23, 2012, and continuing until such time as Senator McKague is able to resume her duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Nineteenth day of January, in the year of our Lord two thousand and twelve and of the Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER  
/s/ SECRETARY OF STATE BEN T. YSURA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Malloy, and he was recorded present at this order of business.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gina Garchow Berger of Idaho Falls, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing July 13, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Rehder of Cottonwood, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing August 23, 2011, and expiring January 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dolly Ouita Bedal of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 16, 2011, and expiring January 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffrey A. Betts of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jon Michael Burnham of Sugar City, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Shane Lee Evans of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jean M. Fisher of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paula K. Garay of Meridian, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles "Chad" A. Huff of Fruitland, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael David Johnston of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert "Bob" Graham of Bonners Ferry, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Peter D. Van Der Meulen of Hailey, Idaho, was appointed as a member of the Idaho Water

Resource Board to serve a term commencing April 28, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffery D. Raybould of St. Anthony, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing April 28, 2011, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

Senators Andreason, Cameron, Hammond, Keough, and McGee were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[S 1223](#) and [S 1224](#), by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[SJR 102](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared [SJR 102](#) adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:15 a.m., Tuesday, January 24, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary